

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7109**

**BILL NUMBER:** SB 417

**NOTE PREPARED:** Jan 28, 2010

**BILL AMENDED:** Jan 28, 2010

**SUBJECT:** Family Law and Foreign Jurisdiction.

**FIRST AUTHOR:** Sen. Head

**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) The bill provides that if a court order concerning family law purports to apply to the laws of a foreign jurisdiction, a foreign legal code, a legal system, an arbitration process, or an alternative dispute resolution process that does not grant the parties the same fundamental liberties, rights, and privileges granted under the Constitution of the United States, the order is not enforceable.

It provides that an arbitration or alternative dispute resolution ruling or decision concerning family law is not enforceable if the decision or ruling is made by a third person and based on foreign jurisdiction law, a foreign legal code, or a legal system that does not grant the parties the same fundamental liberties, rights, and privileges granted under the Constitution of the United States.

**Effective Date:** July 1, 2010.

**Explanation of State Expenditures:** (Revised) The bill could potentially discourage individuals from filing cases to enforce a court order from a foreign jurisdiction in Indiana. If fewer civil actions occur and court fees are not collected, revenue to the state General Fund may decrease. A civil costs fee of \$100 is assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** (Revised) If fewer civil actions occur, local governments would not receive revenue from the following sources. The county general fund would not receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may not receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would not be deposited in the county general fund and 25% would not be deposited in the city or town general fund. Additional fees may not be collected at the discretion of the judge and depending upon the particular type of case.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, city and town courts.

**Information Sources:**

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